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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

FEB - 4 2010

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FIDENCE DEVELOPMENT, LLC

Complainant,

v.

ARIZONA-AMERICAN WATER COMPANY,

Respondent.

DOCKET NO. W-01303A-09-0097

PROCEDURAL ORDER

BY THE COMMISSION:

On March 2, 2009, Fidence Development, LLC ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Formal Complaint ("Complaint") against Arizona-American Water Company ("AZ-American" or "Respondent").

On March 11, 2009, counsel for AZ-American filed a Notice of Appearance.

On March 25, 2009, the parties filed a joint Notice of Stipulated Extension, stating that the parties agree to extend the time for AZ-American to file its Answer to the Complaint until April 8, 2009.

On April 8, 2009, the parties filed a second joint Notice of Stipulated Extension, stating that the parties agreed to extend the time for AZ-American to file its Answer to the Complaint until April 15, 2009.

On April 17, 2009, AZ-American filed its Answer to the Complaint.

On May 2, 2009, by Procedural Order, the matter was set for a Procedural Conference to commence on June 2, 2009.

On June 2, 2009, a Procedural Conference was held as scheduled. Staff and the parties appeared through counsel. During the conference, the parties were directed to engage in settlement discussions and to file an update regarding the status of the discussions by July 2, 2009.

1 On July 2, 2009, the parties filed a joint filing requesting an additional forty-five (45) days or
2 until August 17, 2009, to continue settlement discussions.

3 On August 17, 2009, the parties filed a second joint filing requesting an additional sixty (60)
4 days or until October 16, 2009, to continue settlement discussions.

5 On October 16, 2009, the parties filed a third joint filing requesting additional time for
6 settlement discussions until December 15, 2009.

7 On November 4, 2009, by Procedural Order, the parties were directed to make a joint filing
8 updating the Commission on the status of the Complaint on or before January 30, 2010.

9 On January 28, 2010, the parties filed a Joint Status Update. In the filing, the parties request
10 an additional 60 days to finalize a written settlement agreement.

11 The request for additional time is reasonable and should be granted.

12 IT IS THEREFORE ORDERED that the **parties shall make a joint filing on or before**
13 **April 1, 2010**, updating the Commission on the status of the settlement negotiations or a finalized
14 settlement agreement.

15 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
16 Communications) applies to this proceeding.

17 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
18 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
19 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to
20 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter
21 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by
22 the Administrative Law Judge or the Commission.

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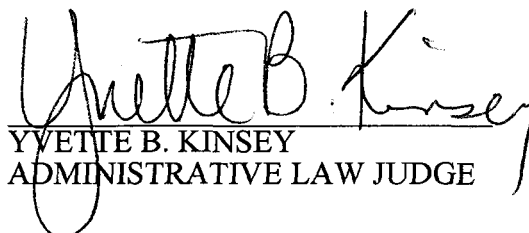
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IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 4th day of February, 2010.


YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE


Copies of the foregoing mailed/delivered this 4th day of February, 2010 to:

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By: 
Debra Broyles
Secretary to Yvette B. Kinsey